



PATENT APPLICATION

Attorney Docket No.: 1105-CA

COMBINED DECLARATION AND POWER OF ATTORNEY **Original Application**

As a below named inventor, I declare that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this Declaration, that the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed below) of the invention entitled:

"INDIRECT TECHNIQUES FOR MEASURING LOW FREQUENCY NOISE"

which is described and claimed in:

the attached specification or
 the specification in application Serial No. 09/695,703 filed October 25, 2000 and amended _____

I acknowledge the duty to disclose information in accordance with 37 C.F.R. Section 1.56 and defined on the attached sheet, which is material to the examination of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below, and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the present application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
		<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States Provisional application(s) listed below:

<u>Prior Provisional Application(s)</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
60/216,346	July 5, 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



I hereby claim benefit under 35 U.S.C. § 120 of any prior United States application(s), or Section 365(c) of any prior PCT international application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States patent application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose any material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international application filing date of this present patent application:

Prior U.S. Application(s)

Filing Date

Status

Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

POWER OF ATTORNEY:

As a below-named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

NAME

REGISTRATION NO.

Peter T. Rutkowski	32,627
Steven Lin	35,250
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Dan A. Shifrin	34,473



SEND CORRESPONDENCE TO:

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(1) FULL NAME OF INVENTOR	LAST NAME THOMSEN	FIRST NAME AXEL	MIDDLE NAME	
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POST OFFICE ADDRESS	POST OFFICE ADDRESS 1305 W. 40th Street	CITY Austin	STATE OR COUNTRY TX	ZIP CODE 78756
(2) FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE

Additional inventors attached.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME Axel Thomsen	Signature 	Date 2/23/01
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Section 1.56 Duty to Disclose Information Material to Patentability.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section.

The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any considerations given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this



section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.